A HISTORY OF INTEGRATION IN THE PUBLIC SCHOOLS OF NORFOLK, VIRGINIA

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On May 31, 1955, a little more than a year after its May 17, 1954 decision, the Supreme Court of the United States implemented its original decision and called for public school desegregation with deliberate speed. This decision aroused the emotions of all the people in the Commonwealth. The white citizens were, for the most part, frightened at the social and economic implications that integration would bring about. The negro citizens were stirred by the possibility that their asperations and ambitions for a social and economic change would be forthcoming. At any rate, it was apparent that the Supreme Court's decision would eventually cause many problems for the City Council, the School Board and the Superintendent of Schools, J. J. Brewbaker.

It is the purpose of this paper to relate as validly as possible the course of events leading up to the present time which finds more than 3,449 negro pupils integrated into the previously predominately white schools.

Regardless of how each citizen felt about the Supreme Court decision, the problem before the Governor, the State

Legislature and the State Board of Education was pure and simple. Shall they defy the decision of the Supreme Court or should they, as they had done previously, accept the decision of the court and comply with it in the best possible manner? To defy the courts decision meant that the most important institution in our democratic way of life, the public schools, would be destroyed and a system of private schools established. The Governor's reaction to the Court's decision was soon to be answered, at least for the 1955-56 school session. On June 28, 1955, the Governor and the State Board of Education sent a memorandum to all Division Superintendents stating:

> "It has not yet been possible for the Commission on Public Education to propose and the General Assembly to enact appropriate legislation which will enable the State Board of Education and the local school authorities to adjust to a new and different basis for the operation of public schools.
>
> Meanwhile, local school authorities are faced with the necessity of completing the formulation of plans for the coming school session. In view of these facts and circumstances, the Governor and the State Board of Education hereby declare and adopt as the policy of this Commonwealth that the State Board of Education will continue to administer its functions, in cooperation with the local school authorities, to the end that the public schools of Virginia open and operate through the coming school session as heretofore."

The commission referred to in the above memorandum was appointed by the Governor on August 30, 1954, and was known as the Gray Commission.

During the entire proceedings that were transpiring on the state level, the Norfolk City School Board, under the able leadership of Mr. Paul Schweitzer, Chairman, had met with Superintendent J. J. Brewbaker and his Assistant Superintendent for General Administration, Edwin L. Lamberth, to explore the stand they would take as far as the Norfolk Public Schools were concerned. On July 1, 1955, the Norfolk City School Board expressed in a resolution grave concern in the matter and stated, "Though this decision leaves unmarked the road to be traveled, the objective is clear. We intend, without mental reservation, to uphold and abide the laws of the land. We believe in the public school system and pledge our efforts to its continuation in this City. We believe that our primary duty is to preserve and promote the welfare of all children involved through education and that any system by us administered must be devised to achieve this end within the framework of the law." It seems pertinent to point up here that the School Board and Superintendent

in spite of severe criticism on the part of several facets of the community, did not shirk their duty in any sense of the word. This same excellent leadership was, in months to come, ordained to shoulder a tremendous responsibility. The example projected by this outstanding Board and Superintendent was to be commended and later copied in troubled areas across the nation.

In early July, 1955, 233 negro citizens sent the Norfolk School Board and Superintendent Brewbaker a petition calling upon the Board to comply with the Supreme Court decision and its reaffirmation of May 31, 1955, of "good faith and compliance at the earliest practicable date." The Board took no official action on this petition until there was a clarification of the stand the State was to take in the matter.

During the latter part of 1955, there existed in Virginia much confusion with the State officials groping for some legal answer to the Supreme Court edict. Finally, on November 11, 1955, the Commission on Public Education, or the Gray Commission, made its report to the Governor. The following quotation summarizes the report of the Commission.

> "The Commission has been confronted with the problem of continuing a public school system and at the same time making provision for localities wherein public schools are abandoned, and providing educational opportunities for children whose parents will not send them to integrated schools.
>
> To meet the problem thus created by the Supreme Court, the Commission proposes a plan of assignment which will permit local school boards to assign their pupils in such manner as will best serve the welfare of their communities and protect and foster the public schools under their jurisdiction. The Commission further proposed legislation to provide that no child be required to attend a school wherein both white and colored children are taught and that parents of those children who object to integrated schools, or who live in communities wherein no public schools are operated, be given tuition grants for educational purposes."

Following the report of the Gray Commission, an Extra Session of the General Assembly was called to provide for a convention to vote on changing Section 141 of the Constitution to carry out the recommendations of the Commission. This Exta Session commenced on November 30, 1955, and ended December 3, 1955, and authorized a referendum on calling the convention. The referendum was held on January 9, 1956, and the convention was authorized by the voters. Since Section 141 provides: "No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the State or some political sub-

division thereof," the purpose of changing Section 141 was to permit the payment of tuition grants to private non-sectarian schools. The regular session of the General Assembly convened on January 11, 1956, and the Constitutional Convention was called and adopted the recommendations of the Gray Commission.

Following the adjournment of the General Assembly, a wave of resentment swept the State and out of this grew the Massive Resistance Movement. This movement had its main objective, prevention of any integration in the public schools. The sentiment grew so strongly in favor of Massive Resistance that an Extra Session of the General Assembly was called on August 27, 1956 and ended September 29, 1956. The General Assembly shelved the Gray Commission Report, which was a mandate of the people of the Commonwealth, and it was not heard of, as such, again.

The State continued the massive resistance laws, adopted by the General Assembly in August, 1956, until January 19, 1959 at which time a State Court of Appeals and a special Three-Judge Federal Court both declared these laws unconstitutional.

While this litigation was going on on the State level, what was happening in Norfolk? On May 11, 1956, the Norfolk City School Board and Superintendent Brewbaker had served upon them their first summons which was to be answered within twenty days. The complaint, Civil Action Number 2214, a document of eight legal size pages, in substance stated that the defendants were operating separate schools for negro and white children which was in violation of the fourteenth amendment of the Constitution of the United States. This summons placed the School Board and Superintendent Brewbaker in a rather awkward position. On the one hand the Federal Courts were requiring the cessation of discrimination with "deliberate speed" and on the other hand the State Laws were requiring segregation of the races. This was the beginning of the case, Leola Pearl Beckett, et al., vs The School Board of The City of Norfolk, Virginia, et al.

Litigation in Norfolk had been status quo for sometime awaiting developments on the State level but the lawyers for the petitioners were becoming impatient. They realized that the School Board would not take action until one of their race actually made application for admission into an all white school.

The first applications were made on June 10, 1958, and by July 17, 1958, Superintendent Brewbaker had received 151 applications for admission of negroes into the white schools for the 1958-59 session.

On July 17, 1958, the Norfolk School Board convened and adopted the following criteria to be used in the screening of negro applicants for assignment to white schools:

1. The assignment shall not endanger the health or safety of the child assigned to or the children already enrolled in the school.
2. The assignment shall not interfere with the proper administration of the school.
3. The assignment shall not interfere with proper instruction of pupils already enrolled in the schools.
4. The assignment shall be made after consideration of the applicants' academic achievement and the academic achievement of the pupils already within the school to which he is applying.
5. The assignment shall be made with consideration for the residence of the applicant.

6. The assignment shall consider the physical and moral fitness of the applicant and their relation to the general health and welfare of the pupils already enrolled in the schools.
7. The assignment shall consider the mental ability of the applicant seeking enrollment.
8. The assignment shall take into consideration the social adaptability of the applicant seeking enrollment.
9. The assignment shall take into consideration the expected emotional and social adjustment of the pupil to the school to which he is assigned.
10. The assignment shall take into consideration the cultural background of the applicant and the pupils already enrolled in the schools.

In applying these criteria, the Board authorized Superintendent Brewbaker to administer a program of tests and personal interviews with the parents and children. At the end of one month, on August 18, 1958, the Board adopted the following resolution disposing of all 151 applicants and transmitted it through its attorneys Leonard Davis and

W. R. C. Cocke to the Federal Judge:

"Stripped of the racial overtones, the basic problem here is whether certain pupils should be transferred from one school to another or initially enrolled in a specific school. The reason set forth in their requests is primarily that it is more convenient for the students to attend the selected school than to attend another school to which, otherwise, they would be assigned.

"Although the School Board is aware that the petitioners are all of one race asking to be assigned, for the first time in the history of the Norfolk City School System, to schools of the opposite race, it has attempted to approach the problem from the standpoint of sound education.

"Accordingly, the first premise in considering any of these applications is that only those pupils who are sufficiently mature or advanced scholastically should be considered. Upon this assumption, the School Board on July 17, 1958, adopted a resolution setting forth certain criteria to be applied toward all applications for transfer or enrollment. At the same time, procedures were set up for testing the applicants and otherwise processing the petitioners. After careful examination and extensive interviews, the information relative to all of the applicants has been collected by the administrative staff and reviewed by the School Board.

"There were 151 children who applied for transfer or initial enrollment. One withdrew his application, 61 declined to take the tests prescribed by the School Board, and one declined to complete the testing procedure by refusing the interview. Accordingly, the Board hereby declines these 63 applicants.

"Of the remaining eighty-eight, sixty were clearly unsuitable for the assignment requested. The vast majority failed to meet the minimum scholastic re-

quirements. The others were denied for equally cogent reasons. As for the remaining twenty-eight, the Board feels that these applicants fall into two categories:

(1) "Of four of these pupils, one has sought assignment to Maury High School, one to Granby High School, and two to Blair Junior High School. Considering these applications against its understanding of the United States Supreme Court's decision in Brown versus the Board of Education, the School Board believes that the individual applicants would receive no educational benefit from the request assignment, but would only suffer thereby. It is believed that the isolation which would be caused by such an assignment would be detrimental to educational progress and may well cause emotional instability and even detriment to health.

(2) "Of the remaining twenty-four children, nine requested entry to Norview Elementary School, six to Norview Junior High School and the remaining nine to Norview High School. As to these children, the Board feels it must deny their applications because it is not in the best interest of the applicants nor of the present students to grant such petitions. Racial conflicts have occurred in this area in the past and the Board is of the opinion that integration there would renew such conflicts and produce grave administrative problems within the school system - all to the detriment of good education and the public welfare.

"Nine of the children residing in the Norview residential area, who have met the minimum scholastic requirements are applying for entrance to Norview Elementary School. They reside in the Rosemont Coronado area in which the City of Norfolk is now making plans to build an elementary-junior

> high school which will be ready for occupancy in September, 1959. In addition to the reasons set out above, The School Board believes that the transfer of these nine children would at most be for the period of one year, or until the Rosemont School is opened, and the dislocation occasioned to the children by the multiple transfers is not good for the children. It must be further borne in mind that the school to which they seek entrance, Norview Elementary, is so crowded that it will be on part-time during the school year, 1958-1959.
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> "Accordingly, the 151 petitions are denied."

This resolution denied the applications of all 151 pupils on the basis of the following six criteria:

1. Residence of pupil - nearness to school
2. Those who refused to take the test
3. Those who failed to meet minimum scholastic requirements
4. Those who would suffer because of isolation
5. Racial tension
6. Too frequent transfers

At the July 17 meeting, board member F. N. Crenshaw made the following statement which illustrates the precarious predicament the School Board was facing:

> "We hope it will be clearly understood by everyone that the adoption of this resolution recommended by our attorneys is no guarantee that some children will not be enrolled in certain white schools, thereby closing those schools come this September.

"The Norfolk School System is in a precarious predicament. By Federal Court order, which will be obeyed, we may have to admit colored children to our white schools. If this comes to pass those schools are closed by State Law.

"The situation is serious, the citizens of Norfolk, past and present, have spent millions of dollars erecting fine schools and establishinga first rate school system. That system is now in jeopardy of being severely damaged if not destroyed.

"If our schools are closed not only our children suffer but the entire city will be severely damaged economically.

"How can we expect new industry and business to come to Norfolk if we cannot guarantee all children adequate educational facilities?

"How can we expect good citizens and parents of Norfolk to remain here if their children cannot be educated in our public schools?

"The School Board at present has no solution to this dilema. We have used, and we will continue to use every means at our command to handle this matter with dignity and patience. In less than sixty days, it appears that at least some of our schools are in danger of being closed, How long they would remain closed, we have no way of knowing.

"Because of the seriousness of this situation and the complexity of the applicable law, we have posed to our attorneys certain questions which have been frequently asked of us. We have asked our attorneys to be here today to give the answers to these questions to the best of their ability. They are not easily answered and for this reason we can have no oral questions at this meeting. If other questions are in your minds, please submit them to us in writing at your convenience.

"We feel this situation is of such paramount importance

> to the people of Norfolk that they should be as fully advised as is possible. It is for this reason that we make this statement."

On August 25, 1958, Federal Judge Walter Hoffman called the School Board and Superintendent J. J. Brewbaker into Court at which time he reviewed, in seventeen legal size sheets, the history of the Norfolk Litigation, reminded them of their oath to carry out the law and the other responsibilities of their positions and referred all the pupil applications back to them for further consideration, ending his comments with the following statement:

> "With complete faith in the integrity and ability of the School Board of the City of Norfolk, as well as your desire to obey the law of the land and do justice to all mankind, the applications of the 151 negro children are referred back to you for such further consideration, if any, as you may deem proper and legal by reason of my remarks."

Judge Hoffman called for the Board's report on August 29, 1958, at 10:00 a.m. allowing only four days to restudy these cases. It is pertinent to note that he accepted the criteria of geographical limitations, scholastic achievement, and would give some consideration to the approval of too frequent transfer. The latter criteria was approved by him at a later date.

Judge Hoffman made it clear to the Board that he would not accept racial tension or isolation as criteria for excluding negro children.

The Norfolk School Board petitioned the court to defer the pupil assignments for one year, and gave what it considered to be valid reasons but the request was denied. The Board delayed the opening of the schools from September 8th to September 22nd so that the Appellate Court could hear the case on its merits. The District Judge, Simon Sobeloff, refused to grant a stay of this order until the School Board could appeal to the Chief Judge of the Court of Appeals.

The Court of Appeals denied the request and the School Board, by resolution, on September 27, ordered the schools to be opened on September 29, 1958, admitting 17 negroes approved for assignment to previously all white schools. Governor Almond was advised of the Board's action and he reciprocated with a letter to Superintendent Brewbaker and the School Board on Sunday, September 28, by a special messenger. This letter notified the School Board that the Governor was closing the six secondary schools affected and removing them from the public school system. This action,

closing six of our secondary schools, denied education to approximately 10,000 children. Many friends of the public schools thought the citizenry would become aroused and immediately demand the schools reopened. The fact that the Governor did not close the negro schools caused added concern throughout the City. The City Council, under the leadership of Mayor Fred Duckworth, were chagrined that the white schools were closed and the negro schools were allowed to remain open and as a result, attempted to close all schools above the sixth grade by withholding funds. A group of citizens, feeling that "a half loaf" is better than none, petitioned the Court to issue an injunction against the Council to prevent this and the Federal Judge ruled that the City Council had no control over school funds after it had approved the school budget. Hence, what many thought would have been a catastrophe was averted.

During this interim, what was happening to the 10,000 children forced out of school? When it was announced that the six secondary schools were not to open for sometime, parents actually began to panic. They enrolled their children in other public schools in the surrounding areas, some entered

private and parochial schools where space was available but for the most part they entered them in tutoring groups set up by teachers and parents. All of the tutoring groups were housed in make-shift facilities where many of the children suffered educationally. Groups of children were housed in churches, synagogues, homes or just any space that was available other than the public schools. Practically all the teachers were teaching one or more classes and getting paid to do so. This salary was in addition to their regular contractual school salaries which were continued by the School Board. Unfortunately, there was a large group of children that did not attend school at all during this period, thus causing great concern about added juvenile delinquency in addition to their being deprived of an education through no fault of their own. As a result of this growing concern, a public petition to the City Council was sent on January 27, 1959, signed by 100 business and professional men of Norfolk requesting that the six secondary schools be opened. The petition read as follows:

> "While we would strongly prefer to have segregated schools, it is evident from the recent court decisions that our public schools must either be integrated to the extent legally required or must be abandoned. The abandonment of our public school system is, in

> our opinion, unthinkable, as it would mean the denial of an adequate education to a majority of our children. Moreover, the consequences would be most damaging to our community. We, therefore, urge the Norfolk City Council to do everything within its power to open all public schools as promptly as possible."

On January 23, 1959, the Federal District Judge issued an order stating that the statutes of the Commonwealth of Virginia were declared to be"in violation of the Fourteenth Amendment to the Constitution of the United States and therefore void and the said School Board and Division Superintendent of Schools were not "restored to their respective rights, duties and obligations of which they were purportedly divested", and were enjoined from discriminatorily closing any school because of racial integration. In light of this order, the School Board, by resolution, directed Superintendent Brewbaker to open the six schools on February 2, 1959.

The next problem that faced Superintendent Brewbaker was to coordinate the actual entrance of the 17 negro pupils into the all-white schools. This was a very tense situation that drew from 75 to 100 news media representative from as far as London, England to observe the actual integration procedures.

Superintendent Brewbaker and Assistant Superintendent

Edwin L. Lamberth had met with the principals whose schools were to be integrated and outlined the procedures to be followed on the first morning that the negro children were to report. The police department cooperated excellently in keeping peace around each of these schools. Each principal had oriented his faculty very carefully in just how to cope with the problem once the negro children were in the building.

Because of the outstanding job done by Superintendent Brewbaker and his staff there were no incidents within the school buildings and the police department did a wonderful service on the outside of the buildings. Each day the tension grew less and remainder of the school year moved along without any major incidents.

It must be noted that the white pupils throughout the City, for the most part, conducted themselves as good citizens throughout the integration procedure. Indirectly, this was really a tribute to the parents because they must have counseled their children to accept integration with good faith. In addition, to the hypothesis, it would be fair to say that due to the schools being closed for one-half year, the children were delighted to get back to school - integration or no integration.

On July 15, 1960, the School Board filed with the United States District Court for the Eastern District of Virginia, Norfolk Division, its resolution again amending its procedures relating to the assignment of children to schools. This resolution requested the Court to approve the elimination of procedures which necessitated interviews with the tested children, and their parents or guardians who applied. For entrance into all-white schools, these children were still given intelligence quotient and achievement tests but the interviews would be eliminated. The Court approved the School Board's request.

With regard to the 1960-61 school year, there were proceedings in the District Court relative to 16 negro children. That Court held that the School Board had improperly applied its standards, criteria and procedures as to five of these children, and dismissed the proceedings as to the other eleven. The five were admitted to the schools and grade levels for which they applied and the eleven were not. The plaintiffs did not appeal this decision of the Court.

With regard to the 1961-62 school year, there were proceedings in the District Court relative to sixty-three negro

children. On a motion of the plaintiffs, the proceedings were withdrawn as to twenty-two of the children. The District Court referred back to the School Board for further consideration, the applications of two of the children and upon reconsideration, the School Board granted these two applications. The District Court approved the School Board's action in denying the applications of the remaining thirty-nine of these children. Again, the plaintiffs did not appeal the Court's decision.

There were no court proceedings with regard to the 1962-63 school year. However, during the period from July to December, 1963, Carlotta Mozelle Brewer and others intervened as plaintiffs and various pleadings were filed. These pleadings included the plaintiffs' motion for further relief, plaintiffs' motion for a temporary restraining order which was treated as a complaint for a temporary injunction, and the answers of the School Board to these motions.

In each of the court proceedings from 1958-59 through 1961-62, the plaintiffs sought transfers and initial enrollments for negro children whose applications for such transfers and enrollments had been denied by the School Board.

In 1963, the emphasis was not on individual children, but on the plan for the attendance of children in public schools which the School Board started into effect with the 1963-64 school year. At the time this new plan was put into effect, the School Board eliminated the requirement that all children new to the Norfolk schools and all children transferring within the system be tested under the supervision of the Adjustive Service Department before admittance to the new school.

Basically, this plan provides that:

1. If only one school serves an area, all children living in the area will attend such school: and
2. If two or more schools serve an area, all children living in the area may choose, subject to the approval of their parents or guardians and subject to the maximum capacities of the school, the school which they wish to attend.
3. In order to administer this plan, all children living in an area served by two or more schools were required to indicate their choice of school by May 31 of each year. Provision was made for children moving

into Norfolk or changing their place of residence after May 31.

The District Court approved this plan on October 22, 1964.

The plaintiffs then appealed to the United States Court of Appeals for the fourth circuit. They sought elimination of the dual and overlapping attendance areas, the May 31st deadline for filing applications, the assignment by the School Board of each child to the school nearest his home, and integration of principals, teachers and other professional and administrative personnel in the schools. The Fourth Circuit Court of Appeals remanded the case to the District Court on July 28, 1965. The Circuit Court indicated that there were a number of factual situations in the case that were "very hazy". They noted that there were about 5,000 negro children who were totally locked in their attendance areas. In other words, these totally negro schools were surrounded by other totally negro schools.

On September 30, 1965, the District Court issued an order requiring the School Board to furnish the Court the following information: the enrollment of each school by race, maximum student capacity, and the capacity of each school from the

standpoint of effective education. This order was answered by the School Board on December 1, 1965. In addition to supplying the information requested, the Board modified its plan. This plan gives each negro child of public school age an opportunity to attend a public school of the City which is also attended by white children.

The plaintiffs filed, on December 30, 1965, exceptions to the Norfolk School Board's modified plan. These exceptions were:

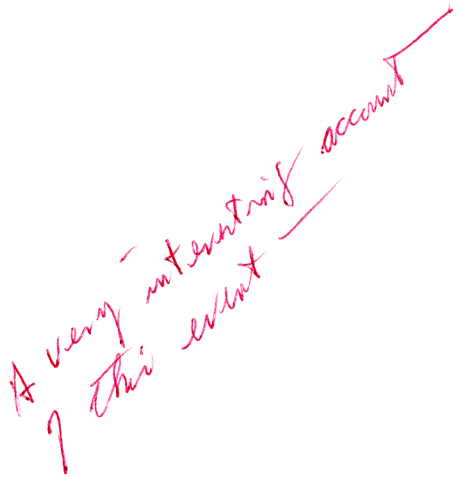
1. The plan failed to provide for the integration of faculties.
2. No transfers are permitted into or from 19 elementary school attendance areas. The school attendance areas should be revised to achieve a maximum of initial desegregation.
3. The plan fails to eliminate the racially segregated character of ten of the eleven junior high schools.
4. The plan fails to eliminate the historical dual attendance areas for the high schools or otherwise to provide for the desegregation of the high schools.

It has now been almost ten years since May 10, 1956

when Leola Pearl Becket, et al (Charlotta Mozelle Brewer, et al) vs. The School Board of The City of Norfolk was filed in the District Court. How much longer this case will remain in the Federal Courts is hard to say. Sometime in the next few months the District Court will have a hearing in regard to its September 30, 1965 order. It may be an act in pais in chambers or in open court.

In closing, it seems important to point up at this stage of integration in the Norfolk Public Schools that much time has been spent by the School Board, the Superintendents and their staffs, as well as the lawyers representing the public schools, in making integration a gradual process. By doing so, it must be concluded that several results are evident. First, the community has adjusted to the integration program with little loss of pupils to the private schools. Secondly, that Norfolk has been free of racial strife, and lastly, for the most part, few of the residents have moved from Norfolk into the more rural areas to escape school integration. What does the future hold as far as the integration of the Norfolk Public Schools are concerned? Only time will bring the answer to this question but it is safe to answer that the federal funds being poured into the federally impacted areas such as Norfolk will necessitate

further integration of pupils and faculties in the Norfolk Public Schools.



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